

AO 187 (Rev. 7/87) Exhibit and Witness List

## UNITED STATES DISTRICT COURT

DISTRICT OF South Dakota - Central Division

SD Farm Bureau, Inc., et al.

**FILED****EXHIBIT AND WITNESS LIST**

V.

DEC 7 2001

State of South Dakota, et al.

Case Number: CIV99-3018

PRESIDING JUDGE CHARLES B. KORNMANN					PLAINTIFF'S ATTORNEY Gregerson/Day/Tonner/Gerdes	DEFENDANT'S ATTORNEY Best/Barnett/Davidson/Canney/Tutchton
TRIAL DATE (S) 12/3/01 -					COURT REPORTER Richard A. Christoffer	COURTROOM DEPUTY Kathy M. Hammond
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1					"Constitutionality of Initiative 300-a Review of the Court Cases"	
2					List of cooperative exemption language options	
3		12/4/01		✓	4/21/97 hog meeting notes - <i>Thompson</i>	
4		12/4/01		✓	4/29/91 Morog letter to Johnson - <i>Morog</i>	
5		12/4/01		✓	5/5/97 Morog letter to Drafting Committee - <i>Morog</i>	
6		12/4/01		Refused	4/19/97 Draft of Amendment E - <i>Thompson</i>	
7		12/4/01		Refused	4/22/97 Draft of Amendment E - <i>Thompson</i>	
8		12/4/01		Refused	5/8/97 Draft of Amendment E - <i>Thompson</i>	
9		12/4/01		Refused	5/12/97 Draft of Amendment E - <i>Thompson</i>	
10		12/4/01		Refused	5/16/97 Draft of Amendment E - <i>Thompson</i>	
11					5/14/97 SDLRC letter to Jennings	
12					Issue Memorandum No. 98-17 written by Tom Magedanz	
13		12/6/01		✓	9/18/97 Minutes of the Fifth Meeting of Comm. For Constit. Amendment	
14		12/4/01		✓	Nancy Thompson Argus Leader guest editorial - <i>Thompson</i>	
15					October 1998 Dakota Farmer Circular	
16		12/6/01		✓	"Big Hitters Align to Kill Ag Measure" - <i>Wiese</i>	
17					5/8/97 Thompson E-Mail to John, Brian, Theresa & Dennis	
18					"Vote Yes! For the Future of Family Farmers"	
19		12/6/01		✓	1998 Ballot Question pamphlet - <i>Wiese</i>	
20					2/4/00 Cenex letter to Don Tesch	
21					12/30/99 Plainsman article "Technology: Boost or Burden?"	
22					1999 Farmer Image Consumer Poll	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
23					1/15/97 Thompson correspondence to Hunhoff
24		12/4/01		✓	3/14/97 Draft Hog Meeting minutes - <i>Napton</i>
25		12/4/01		✓	3/24/97 Draft Hog Meeting minutes - <i>Napton</i>
26					Minutes of First Meeting of Coordinating Comm. For the Constitutional Amendment
27					7/16/97 Hanson letter to Forman
28					7/9/97 Richards letter to Forman
29					Dakota Rural Action document "Vote Yes on Amendment E" - <i>Napton</i>
30		12/6/01		Withdrew	7/3/97 "Wiese: Corporate Acts Hurt Hog Farmers"
31					6/6/98 Davis letter "Don't Become Duped by Pork Propaganda"
32		12/4/01		Refused	9/16/99 Giedd correspondence to Wiese - <i>Napton</i>
33					Aberdeen American News article "Family Ag and Clean Air, Water at Stake"
34					1/9/98 Minutes of Vote Yes for the Future of Family Farmers
35					5/16/97 Wiese letter to the Coordinating Committee members
36		12/4/01		✓	3/25/97 Summary of First Meeting of Language Drafting Subcommittee - <i>Napton</i>
37					May/June 1997 Action Review Volume 10, Number 3
38					6/26/97 Davis letter "Corporate Farm Ban Needed"
39					11/14/97 Cruea letter "Story About Utah Hog Mess Doesn't Relate to SD"
40					"Crop and Livestock Production under Amendment E"
41					Attorney General 1998 ballot explanation on Constitutional Amendment E
42					8/13/98 Barnett correspondence to Johnson & Wiese - <i>Johnson</i>
43		12/6/01		✓	1/22/99 Johnson correspondence to Barnett - <i>Johnson</i>
44					"The Rules and Filing Requirements for Farm Businesses"
45		12/5/01		✓	Vitae for Luther Tweeten - <i>Tweeten</i>
46		12/5/01		✓	Publication list for Luther Tweeten - <i>Tweeten</i>
47		12/5/01		✓	Luther Tweeten Report on South Dakota's Amendment E - <i>Tweeten</i>
48					Secretary of State Notice of Public Hearing to Adopt Rules
49		12/3/01		✓	Sjovall Feedyard's estimated income loss - <i>Sjovall</i>

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50					1/23/00 "Official: Amendment E Halting 8 Projects"
51					Tri-State Neighbor 11/6/98 article "Voters Say 'Yes' on 'E'"
52		12/6/01		✓	5/5/97 Keaveny memo to Bill Drafting Group for Initiated Measure - <i>Napton</i>
53		12/4/01		✓	4/28/97 John Bixler memo to participants in April 21 <sup>st</sup> meeting - <i>Bixler</i>
54		12/4/01		✓	Comments on YSD Proposed Constitutional Amendment - <i>Monroq</i>
55		12/5/01		✓	CV for Dr. Ralph Brown - <i>Brown</i>
56		12/5/01		✓	Report of Dr. Ralph Brown - <i>Brown</i>
57		12/3/01		✓	Haverhals Customer List - <i>Haverhals</i>
58		12/3/01		✓	MoorMan's Cattle Feeding Contract - <i>Haverhals</i>
59		12/3/01		✓	North Dakota Cattlemen's Association Inspection Ticket - <i>Haverhals</i>
60		12/3/01		✓	Kingsburg Grain & Feed Bill of Sale - <i>Haverhals</i>
61		12/3/01		✓	8/12/99 Minnesota Corn Processors Feed Contract - <i>Haverhals</i>
62		12/3/01		✓	12/28/99 Minnesota Corn Processors Feed Contract - <i>Haverhals</i>
63		12/3/01		✓	IBP Beef Procurement Agreement - <i>Haverhals</i>
64		12/3/01		✓	Harvest States Contract - <i>Tesch</i>
65		12/3/01		✓	Harvest States Letter of Refusal - <i>Tesch</i>
66		12/3/01		✓	1/28/00 Pohl's letter to Tesch - <i>Tesch</i>
67		12/3/01		✓	Equipment and Supplies Receipts - <i>Tesch</i>
68		12/3/01		✓	Fin-Ag Statements - <i>Tesch</i>
69					7/15/98 Brost letter to the Editor
70					Brost letter to the Editor "Save South Dakota Family Farms"
71					8/17/98 Brost letter to the Editor from Capital Journal
72		12/3/01		✓	Harvest States Lamb Grow-Out Agreement - <i>Aeschlimann</i>
73		12/3/01		✓	Some Reasons Why Amendment E is Being Challenged - <i>Held</i>
74					Vote No On Amendment E Committee Handout
75					Initiated Constitutional Amendment Petition
76		12/4/01		✓	5/9/97 minutes of meeting in Huron - <i>Napton</i>

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77					Letters from Secretary of State's Office and Petition
78					Memo to Language Drafting Committee detailing Brian Jennings' efforts
79					Chapter 47-9A SDCL
80					Letter Writing Ideas for Amendment E
81		12/4/01		Refused	Ms. Thompson Guest Editorial "A New Kind of Sharecropping" - Thompson
82					4/6/00 "Vilsack signs ban on packers raising their own livestock" - Thompson
83		12/4/01		✓	Map of Big Stone Power Plant - Rolfe
84					3/21/00 MacFarlane letter to Pastor Krahling
85		12/4/01		✓	Big Stone Plant Ownership Agreement - Rolfe
86		12/4/01		✓	Corporation Report of SD Agriculture Activity - Brutlag
87					Farmers Union News Article from February, 1998
88		12/4/01		✓	Easement Form - Krava
89					NWPS Service Territory Map
90					Easement for NWPS by Larry Wasland - Krava
91					Dakota Rural Action publication "It's Time to Get the Facts on Amendment E"
92		12/4/01		✓	Memo from John Bixler to interested parties - Bixler
93					11/4/97 Morog letter to Johnson, et al.
94					Hog Group Meeting Dates - Thompson
95					3/14/97 Draft Hog Meeting Minutes with handwriting
96					5/9/97 minutes of the meeting in Huron
97		12/4/01		✓	Nancy Thompson Billing Records - Thompson
98					Declaration of John Z. Bixler
99					3/19 Media Advisory Conference Call Pre-Meeting
100					5/13/97 Jay Davis Memorandum
101					Declaration of Mary Luanne Napton
102					3/20/98 Vote Yes for the Future of Family Farms Minutes
103					2/27/98 Vote Yes for the Future of Family Farms Minutes

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104					5/16/97 Wiese memo to Coordinating Committee Members
105					5/16/97 Thompson memo to Jennings & Bixler
106					Find out what SD family farmers & ranchers have to say about Amendment E
107		12/6/01		✓	7/1/98 Farmers and Ranchers Chipping in to Defeat Amendment E News Release
108		12/6/01		✓	7/28/98 South Dakota Livestock Foundation Against Amendment E News Release
109		12/6/01		✓	8/5/98 News Release
110		12/6/01		✓	8/12/98 News Release-Ground Swell of Support for VOTE NO on E Group
111		12/6/01		✓	10/15/98 News Release-Certified Public Accountants: Amendment E Bad for Clients
112		12/6/01		✓	10/22/98 News Release-Amendment E Backers Avoid Real Issues; Lie to Voters
113		12/6/01		✓	11/2/98 News Release-Ignore the Squeals: Amendment E Not About Corp. Hog Farms
114					Under 325 word summary of the Vote No on E Committee's position
115					Amendment Points (Speaking Points) and (Medium)
116					Speech for the Vote No on E speakers bureau
117					Vote No on Amendment E newspaper ad from the Argus Leader on November 2
118					Amendment E: A Disaster for South Dakota from South Dakota Ag Leader
119					VOTE NO on Amendment E brochure
120					11/13/96 Murphy Farms letter - <i>Napton</i>
121					Corporate Farming & Corporate Farming Restrictions in Nebraska
122					Miscellaneous documents from file of Jay Davis
123					April 1999 Killing Competition with Captive Supplies
124					Senate Joint Resolution No. 3, 72 <sup>nd</sup> Session 1997
125					Dakota Rural Action Staff Retreat documents
126					4/21/97 Hog Meeting Attendance notes & Attendance Sheet - <i>Napton</i>
127		12/4/01		✓	Handwritten attendance notes - <i>Bixler</i>
128					Pamphlets from Secretary of State's Office re: Initiatives Petition Circulation
129					"Socioeconomic Impacts of Expanding Pork Production" Allen & Drozd Study
130		12/3/01		✓	Deposition of Darrell Cruea

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